

8.4. Site Plan Approval

8.4.1. Purpose

The purpose of the Site Plan Review By-law hereby established is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town by ensuring that the design and layout of certain developments permitted by right or by special permit will constitute suitable developments and will not result in a detriment to the neighborhood or the environment.

8.4.2. Applicability

8.4.2.1. Projects Requiring Site Plan Review

- a) New construction or exterior expansion of any non-residential building or multi-family dwelling containing more than four (4) units. "Expansion" shall include a floor space increase of 5,000 square feet or 25% or more within any ten (10) year period, whichever is less.
- b) The construction or enlargement of any multi-family dwelling containing more than four (4) units, or buildings accessory to such dwellings, including such dwellings on contiguous lots under the same ownership.
- c) The construction, rehabilitation, of a building involving ten (10) or more parking spaces.
- d) The construction, reconfiguration or renovation of parking facilities, with the exception of normal maintenance.
- e) Any use designated that is granted a Special Permit or Variance by the Zoning Board of Appeals.
- f) Any change of use within an existing building or site.
- g) Any child care facility.

8.4.3. Procedure

8.4.3.1. Applications are to be prepared in accordance with the Planning Board Rules and Regulations for Site Plan Approval and Special Permit. These plans are to be submitted to the Planning Office in the amount outlined in the aforementioned document.

8.4.3.2. Public Hearing on Site Plans

- a) The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of a complete application and shall take final action within ninety (90) days from the time of the hearing, as provided for in MGL Chapter 40A, Sections 9 and 11.
- b) The Planning Board's final action, rendered in writing, shall consist of either:
 - 1. Approval of the site plan based upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this by-law; or

2. Disapproval of the site plan based upon a determination that the proposed plan does not meet the standards set forth in this by-law; or
3. Approval of the site plan subject to any condition, modification or restriction required by the Planning Board which will ensure that the project meets the standards set forth in this by-law.

8.4.3.3. Failure of the Board to take final action upon an application for site plan review within the time specified above shall be deemed to be approval of said application. Upon issuance by the Town Clerk of an appropriate certification that the allowed time has passed without Planning Board action, the required building permits may be issued.

8.4.4. Site Design Principles

8.4.4.1. All site plan review applicants shall adhere to the following general principles when designing a site plan for land within the Town of Lunenburg.

- a) **Landscaping Within the Setbacks:** Applicants are expected to design setbacks with landscaping, maintain the landscaping and replace any landscaping that has not fully established itself. Front yard setback landscaping shall consist of street trees, low-level plantings and other visually unobtrusive flora. Landscaping shall be situated in a manner such that vehicular and pedestrian sight lines are not restricted.
- b) **Driveways and Curb Cuts:** Entrance and exit location shall be designed to facilitate safe traffic movement both on and off the site as well as internally. Curb cuts are limited to as few as practicable for the length of street frontage with adequate separation from adjacent parcels, other curb cuts and intersections.
- c) **Service Roads/Connection of Parking Lots:** To minimize turning movements onto adjacent public ways, developers are encouraged to provide internal circulation systems (service roads) that connect to adjacent developments (parking area to parking area). Site plans that propose service roads and/or connection of parking areas shall show on the plan how the connection of parking areas will be achieved and have a deeded agreement and easement from the abutter.
- d) **Parking and Loading Areas:**
 1. Access locations shall be designed to encourage unimpeded traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.
 2. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas.
 3. Parking facilities shall be designed to prevent parked cars from damaging trees, shrubs and curbing, and shall not disrupt pedestrian walkways.
 4. Walkways shall be separated from areas of vehicular traffic and designed to minimize stormwater runoff while maximizing access.
 5. These facilities shall include appropriate landscaping, pedestrian access and multi-modal parking accommodations.
- e) **Stormwater Management (Grading and Drainage):** All site plans shall be designed to comply with DEP (Department of Environmental Protection) Stormwater Management Standards. Furthermore, the use of Low Impact Development, infiltration of stormwater

and reduction of impervious surface are strongly encouraged.

- f) Lighting: Lighting designs shall be Dark Sky compliant. This includes all exterior lights being designed and installed in such a manner as to prevent objectionable light at (and glare across) the property lines. Developments shall eliminate glare onto adjacent properties through the use of lighting shields, earthen berms, addition of new landscaping and/or retention of existing natural vegetation.

8.4.5. Standards for Site Plan Review

8.4.5.1. In reviewing a site plan application, the Planning Board shall take the following items into consideration:

- a) Compliance with all applicable provisions of the Lunenburg Protective Bylaw; Planning Board Rules and Regulations for Site Plan Approval and Special Permit; and Subdivision Regulations.
- b) Traffic safety and ease of access at street and highway entrances and exits, to be determined by
 - 1. The adequacy of grades,
 - 2. The presence of sight distances that are appropriate for the design speed of the road, as determined by ASHTO,
 - 3. Minimum safe distance between such exits and entrances, and
 - 4. The existence of proper alignment or safe distance from proximal existing street(s) and driveway entrances.
- c) Safety and adequacy of driveway layout and pedestrian walkways; off-street parking areas; off-street loading areas for materials and products; to be determined by
 - 1. Adequate access for service and emergency vehicles,
 - 2. Proper separation of pedestrian and vehicular facilities,
 - 3. The presence of separated facilities for delivery of goods, and
 - 4. Acceptable traffic patterns to/from the site entrance/exit and within the parking facilities.
- d) Safe and adequate means of disposal of sewage, garbage and rubbish.
- e) Safe and adequate water supply and distribution; including sufficient water and facilities for firefighting on the site.
- f) Safe and adequate storm drainage consistent with
 - 1. building and surface coverage,
 - 2. grade and slopes,

- 3. soils and
- 4. water table

All of which shall result in zero increase in the rate of runoff from the site, as measured by the 2-Year (24-hour) and 10-Year (24-hour) Storm Event Standards; and there will be no negative impacts to downstream property-owners in a 100-year (24-hour) storm event. The stormwater system shall meet all the requirements and standards of the Massachusetts Stormwater Management Standards, as amended.

- g) Prevention of soil erosion during and after construction; provisions for an increase in the volume of runoff of surface water from the site and the protection of adjacent areas against detrimental or offensive uses on the site by the provision of adequate buffers against light, sight, sound, dust and vibrations.
- h) Open space provisions and landscaping, including the maximum retention of on-site natural features.
- i) Placement of underground utilities, night lighting and signs.
- j) Compatibility of soil and subsoil's to type and intensity of development.
- k) No exterior lighting shall shine directly on adjacent properties, or in such a manner as to create a nuisance on such properties or a hazard on public ways. To ensure exterior lighting conforms to this provision the following conditions shall be met.
 - 1. For the proposed use all lighting installed shall conform to the standards outlined in The Illuminating Engineering Society of North America Lighting Manual.
 - 2. All lighting, with the exception of security lighting, shall be turned on no earlier than one half hour prior to the business opening and turned off no later than one half hour after the business closing.
 - 3. The Lighting Plan shall meet the requirements outlined in the "Lighting Plan Submissions" section of the Dark Sky Society's 2009 Guidelines for Good Exterior Lighting Plans, as amended;
 - 4. All fixtures using LED lighting shall be in the range of "warm-white" or shall be filtered LEDs that meet the standard of CCT < 3,000 K or have a S/P ratio < 1.2)
- l) Snow storage areas shall be shown on the site plan and shall not interfere with sight distances at points of ingress/egress to a site or pedestrian/vehicle circulation, nor shall it adversely impact surrounding water bodies, streams, wetlands, or other resource areas as defined in Chapter 131 section 40 Massachusetts General Laws, and the Lunenburg Wetlands Bylaw, as amended.

8.4.6. Modifications to an Approved Site Plan

8.4.6.1. Once a site plan has been approved by the Planning Board, said plan shall not be changed, amended or modified without approval of the Board. There shall be only one final site plan in effect for a parcel of land at a time.

8.4.7. Construction of an Approved Site Plan

8.4.7.1. Construction on a site with an approved site plan must be started within one (1) year from the date of the Planning Board's approval of the site plan. Site plan approval may be extended for one (1) year at the discretion of the Board after receipt of a written request from the landowner, showing good cause. If one year has elapsed from the date of approval; and no extensions have been granted; or if one year has elapsed since the granting of said extension; the final site plan approval shall become null and void without requiring any further action by the Planning Board. This time period shall not include delays resulting from litigation.

8.4.7.2. No permit to build, alter or expand any building or structure, or change of use requiring Site Plan Review under this by-law shall be issued by the Building Inspector; nor shall any construction commence before a written statement of Approval or Approval with Conditions has been issued by the Planning Board.

8.4.7.3. The Building Inspector may inspect a site under construction for compliance with the approved site plan.

8.4.8. Enforcement

8.4.8.1. It shall be the duty of the Building Inspector/Zoning Enforcement Officer to administer and enforce the provisions of this by-law.

8.4.8.2. The Planning Board shall provide a schedule of inspection fees to be paid by the applicant prior to the start of construction.

8.4.8.3. The Planning Board may use inspection fees paid by the applicant to offset the cost of hiring any additional engineers or inspectors necessary to monitor all phases of construction covered by an approved site plan.

8.4.8.4. If work is not performed per the approved plan, including all conditions, the Building Inspector/Zoning Enforcement Officer has the authority to issue a cease and desist order per the Planning Board Rules and Regulations for Site Plan Approval and Special Permits, as amended.

8.4.8.5. "As Built" plans, certified by a registered professional and noting any change from the approved plan, shall be filed with the Building Inspector and the Planning Board before a Certificate of Completion shall be issued.

8.4.8.6. Building Inspector shall issue a Certificate of Completion when all construction has been performed and all other requirements have been met in compliance with the approved site plan. A copy of the Certificate of Completion will be filed with the Planning Board.

8.4.8.7. No Certificate of Occupancy shall be issued for any structure or use subject to site plan review unless a Certificate of Completion has been issued.

8.4.8.8. The Building Inspector may issue a Temporary Certificate of Occupancy for a period of one (1) year if the required construction has been substantially completed and the permitted uses of the development can be carried on in a safe and convenient manner.

8.4.9. Rules and Regulations

8.4.9.1. The Planning Board may adopt such rules and regulations for carrying out its duties under this section. The Board may, where such action allowed by law, in the public interest and not inconsistent with the purpose and intent of this by-law, waive strict compliance with any requirement of this site plan review by-law or its rules and regulations.

8.4.9.2. The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this site plan review by-law, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

8.4.10. Appeals Procedure

8.4.10.1. Any person aggrieved by any decision of the Planning Board or Building Inspector regarding a site plan review application may appeal that decision per M.G.L Chapter 40A Section 17, as amended.

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